Building Host-Nation Police Forces: Principles for Strategic Military Planners

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Abstract

Building Host-Nation Police Forces: Principles for Strategic Planners by MAJ Michael B. Lalor, U.S. Army, 45.

During the last 15 years, the United States dealt with the challenges of both developing and reestablishing police forces in numerous post-conflict environments. Although the U.S. Department of Defense would like other U.S. government departments and agencies to lead the effort to reestablish internal police forces, the military will always bear the initial responsibility for security absent a national government and a national police. The experience gained in these recent U.S. stability operations reveal certain principles that are central to establishing a reliable host nation police force. However, these principles were quickly forgotten following each intervention. Planners struggled to rediscover these principles during subsequent stability operations. This paper derives a set of principles that strategic military planners can use as a guide for planning the development of civilian police forces in stability operations.

This paper assesses U.S. and international experiences in Haiti, Bosnia, and Kosovo to derive the principles for establishing post-conflict national police forces. The research shows that the tasks that consistently confront the planners include assessing the security requirements of the post-conflict environment, determining whether to reform or abolish the existing host nation police force, defining the authority and responsibilities of the police force, and building capacity within the police. These tasks occur sequentially. Although there is a common list of required tasks, each case must be examined individually to reveal the guiding principles and judgments that planners must make when assessing their own unique situation.

The data extracted from the case studies of Haiti, Bosnia, and Kosovo suggest four key principles that should be observed while planning the restoration of public order in future post-conflict environments. First, understanding the security situation and assessing it correctly will shape the decision over whether to reform an existing police organization or create a new force. Second, grant police forces sufficient authority to enable both the military and police forces, whether existing or interim, to maintain a secure environment. Next, mitigate the enforcement gap. Planners must work to create forces that can rapidly deploy and maintain order in the critical first six months of the stability operation. Finally, provide logistics up front to the interim Civilian Police (CIVPOL) force, reforming forces, or newly-formed police force. This will develop capacity, capability, and quality within the national police.

Ultimately, the process of establishing an internal police force is political. Providing honest analysis and recommendations to decision makers is the job of the strategic military planners. The tasks and principles found in this paper will guide planning for a host nation police force in future post-conflict environments.

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Introduction

When United States Army forces reached Baghdad in April 2003, Iraqi police officers and members of the regular army took their weapons and went home. General lawlessness ensued. Crowds filed into the streets of Baghdad and began looting local businesses, ransacking government buildings, and pillaging the residences of regime officials. With only a small number of military police units available, American commanders were faced with using combat units to quell the disturbances but they had neither orders to use deadly force to stop the rampage nor nonlethal means to interfere. They simply did not have the type of forces that would have allowed them to intervene successfully. In the words of one American general, "I do not shoot people for stealing television sets and mattresses."[1] This quote makes clear that planners and field commanders gave little consideration to providing security for persons and property during the initial phases of the Iraq intervention.

An international intervention force must provide security for the civilian population to facilitate post-conflict peace or stability operations. The withdrawal or defeat of national military forces usually brings a breakdown of public order, evidenced by the looting of businesses and government agencies, and the destruction of important infrastructure. Military combat forces that arrive in the aftermath of the national military collapse are often untrained, unequipped, and unwilling to deal with internal civilian violence.[2] Under the terms of international law, specifically the Hague Treaty and Geneva Convention, the occupying power must secure the people and their property within the area occupied. Consequently, one of the initial tasks for the intervention force will be security. Although the U.S. Department of Defense would like other U.S. government departments and agencies to lead the effort to reestablish internal police forces,

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[1] Perito, Robert M. "Special Report: U.S. Police in Peace and Stability Operations." *United States Institute of Peace Special Report 191* (August 2007): 2.

[2] Ibid, 2.

the military will always bear the initial responsibility for security absent a national government and national police. Preparing to secure the population is a huge challenge for the strategic military planner.

When planning the development, or reestablishment, of a civilian police force in stability operations, the strategic military planner faces a myriad of challenges. Unfortunately, there is no playbook or Standing Operating Procedures from which to draw guidance. Each situation presents its own unique set of problems. However, during the past 15 years, the United States dealt with the challenges of both developing and reestablishing police forces in numerous post-conflict environments. While each operation was unique, strategic military planners faced similar challenges and situations. All required organizing police forces. Organizing police forces usually required recruiting and screening police recruits, choosing someone to train the police, and setting the roles and responsibilities of the police force in respect to the host nation military. During these stability operations, certain principles emerged that are central to establishing a reliable host nation police force. However, these principles have been neglected after each intervention only to be relearned with difficulty during each subsequent stability operation. Through an assessment of U.S. and international experiences in Haiti, Bosnia, and Kosovo, this paper derives a set of principles that strategic military planners can use as a guide for planning the development of civilian police forces in stability operations.

Before it is possible to develop principles for establishing post-conflict stability, it is necessary to describe accurately the post-conflict environment. Every post-conflict environment presents a variety of political and social variables that the planner must identify and assess. These variables are the political and social culture, the history of governance and of the conflict, role of an international governing authority, and United States government policies are some of the key variables. These variables provide the planner some insight into the task of developing a host nation police force. The research shows that the tasks that consistently confront the planners include assessing the security requirements of the post-conflict environment, determining whether

to employ and reform or abolish the existing host nation police force, defining the authority and responsibilities of the police force, and building capacity within the police. Although there is a common list of requirements, the answers to the questions and the process followed is governed by the national circumstances and the U.S. and international response, so that each case must be examined carefully to reveal the guiding principles and the judgments that planners must make when assessing their own unique situation.

Challenges within the Post-Conflict Environment

Systemic Tasks

To develop the host nation police force, the strategic military planner consistently faces several common tasks. The research of the Haiti, Bosnia, and Kosovo case studies show that the planners face these tasks sequentially in virtually all stability operations. The planner will also face them sequentially. The lines of effort overlap, but generally each obstacle must be engaged and surmounted before moving onto the next task.

The planner must first assess the security situation in the post-conflict environment. Depending on the situation, the planner may be able to understand the security environment through intelligence reports, commander's assessments, or security assessment by teams from international governing authorities. From these reports and personal accounts, the planner assesses the capabilities of the national military or police force.

Using these assessments, the strategic planner must then recommend a course of action for the post-conflict national police force. The planner must choose between reforming the existing police force and abolishing that force. Obviously, abolishing the existing police force requires a decision to take on the large, difficult task of creating an entirely new police organization. Numerous variables affect this important decision. These variables include social and political culture and the role of an international governing authority. How these variables

influence the initial assessment will be discussed later in the context of the particular cases. It is important to note here, however, that this decision shapes the entire planning effort.

Following the debate on the future host-nation police force, strategic planners next face decisions concerning police authority. The planners must decide what powers to delegate to the reformed police force. They must decide whether to place the reforming national police force under international monitoring and whether to insert an interim police force acting in lieu of the reforming national police, providing it time to organize, equip, and train. The decision whether to arm the police force, provide it arrest authority, or give it the power to conduct investigations, occurs at this point in the planning effort. The decision on police authority affects the initial security situation during the stability operation.

The planner must next decide how to establish security in the initial phases of the post-conflict environment. Initial security comes before all future efforts to build capacity. Without it, all efforts to organize the police force and build capacity are futile. Planners must work to ensure the right mix of military and police forces will be available with clearly defined roles and responsibilities. As the case studies will show, failure to address this requirement hampered security efforts in Bosnia. Although the North Atlantic Treaty Organization (NATO)-led Implementation Force (IFOR) provided a military presence and separated the warring factions, neither IFOR, nor the International Police Task Force (IPTF), nor the three police organizations in Bosnia actually addressed the requirements for law enforcement. The various forces did not develop agreements concerning their roles and responsibilities. This created a security vacuum throughout Bosnia[3] Consequently, criminal groups thrived during the early years of post-conflict Bosnia. To prevent future security shortfalls, planners must work to facilitate the rapid deployment of post-conflict forces, including security assessment teams, interim police forces,

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[3] Caplan, Richard. *International Governance of War-Torn Territories: Rule and Reconstruction* (New York, NY: Oxford University Press, Inc., 2005), 45.

and police trainers. These elements will likely be drawn from numerous members of the international community.

Building capacity becomes the final step in the process of creating a host-nation police force. Once decisions on establishing initial security and determining police authority have been made, planners focus efforts on supporting the organization, training, and equipping of the police force. Whether reforming an existing force or creating a new organization, planners coordinate and synchronize logistical efforts to build capacity within the national police. Building capacity takes time, resources, and commitment. The precise nature of those organizational and logistical tasks varies depending upon the particular situation in the unstable nation. Those particulars are best viewed from an analysis of individual historical examples of international interventions.

In the cases that follow, attention must be paid to culture and the historic role of security institutions in these unstable nations. In order to support stability in a post-conflict environment, the national police force "must be organized, trained, and equipped with the ability to provide public security."[4] While true, this statement belies the difficulty and variety of challenges that face a fledgling police force, its emerging government, the intervention force, and the international community. In some cases, these challenges or variables may be beyond the influence of the military planner.

The culture and the historical background of security forces in the war-torn nation or territory greatly influences the process chosen for establishing the national police force. The national constitution frequently assigns the roles and responsibilities of the military, internal security forces, and the police. These legal provisions must be seriously considered because they may reflect some deeply held tenets of the national political culture. The years of armed conflict may have eroded or eliminated the distinction between military and police forces. Redefining the

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[4]Garver, Randy. Restoration of Public Security: The Linchpin in Peacebuilding and Post-Conflict Operations (Carlisle Barracks, PA: U.S. Army War College, 1997), 3.

role and authority of police and military forces potentially requires a series of constitutional and statutory changes. In cases in which the internal security forces were controlled by the former national leader or Ministry of Defense, demilitarization of police forces requires creating an entirely new distribution of authority and civil expectations.[5]

Concurrently, understanding how the general populace views the national security forces requires knowledge of civil-military relations at the political level, the dynamics of the conflict within the nation, and the history of the relationship between the people and its security institutions. In a situation characterized by general lawlessness or absent any local police, organized crime factions might exercise control over specific regions. In a war-torn society dominated by a dictator, the situation could be completely different. For example, in a totalitarian state, the relationship between the people and the security institutions in place to protect them may have completely eroded. If it is determined that internal security forces were responsible for pre-meditated abuses of civil liberties, those security forces would have to be disbanded and an entirely new police force would be required. In order to reestablish public confidence, the government must exclude former officers, connected with the aforementioned abuses of liberties, via a thorough screening process.

In the totalitarian state-type scenario, planners must develop a strategy that includes changes in recruiting and training to establish both a professional ethic and culture in the new police force.[6] Conversely, in the anarchy-type scenario, planners face a situation in which establishing public order and security will be the primary challenge. In most situations, the military planner in a post-conflict environment faces similar variables. The context in which security institutions operate in unstable nations is crucial to gaining knowledge and understanding

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[5] Jeong, Ho-Won. *Peacebuilding in Postconflict Societies: Strategy and Process* (Boulder, CO: Lynne Rienner Publishers Inc., 2005), 65.

[6] Jeong, Peacebuilding in Postconflict Societies, 65.

during the planning process. This type of information, while potentially difficult to obtain and gauge, becomes critical to making sound decisions during the post-conflict planning process.

The military planner must also understand the political context surrounding the post-conflict environment. In the majority of instances, the military planner works within the parameters of an international coalition. Normally, the coalition serves under the direction of an international governing body, such as the United Nations (U.N.) or the North Atlantic Treaty Organization (NATO). International organizations are responsible for order and security in nations or territories more than ever before. International administrations have led missions that have monitored local law enforcement, established local police forces where they did not previously exist, trained local police officers to comply with international standards for democratic policing, investigated alleged human rights abuses by law-enforcement officials, and restructured local police forces.[7] International civilian police (CIVPOL) have assisted these efforts in support of the intervention force, international judges, lawyers, prison experts, and human rights officials.[8]

While this paper focuses on the development of civilian police forces in a post-conflict environment, the establishment of both a functional independent judiciary and penal system are also vital to order and security.[9] The entire security apparatus can be compromised if judges are partial, intimidated, or inexperienced, and prisons are inadequate and dysfunctional. Additionally, the inability to maintain both security and the rule of law may weaken the international administration of the region, inhibit the return of refugees, and scare off potential foreign

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[7] Caplan, Richard. *International Governance of War-Torn Territories: Rule and Reconstruction* (New York, NY: Oxford University Press, Inc., 2005), 45.

[8] Caplan, International Governance of War-Torn Territories, 45.

[9] Caplan, International Governance of War Torn Territories, 46.

investment.[10] These are all considerations at the strategic level for the military planner when operating in a complex political environment involving international administration.

Another concern for the military planner related to security is executive authority. Depending on political agreements, international police authority may be limited to monitoring, training, and restructuring the local police forces. This was the case in Bosnia and Herzegovina and became the basis for the International Police Task Force (IPTF) in 1995. Under a different agreement, an international civilian police force may be charged with full responsibility for security throughout the war-torn area until a newly formed local police force is organized. This is the case in both Kosovo and East Timor.[11] The executive authority can also be a variant of these two arrangements or something entirely different. Thus, the planner must understand the political terms related to the intervention and work within the structure of the international administration. In addition to the international political considerations, the planner must address the current policies of the United States government as they relate to establishing a host nation police force.

In every case of U.S. intervention, the U.S. military planner must understand that stability operations policy of the United States continues to evolve. In November 2005, the Department of Defense (DoD) issued DoD Directive 3000.05, Military Support of Stability, Security, Transition, and Reconstruction. This directive designated stability operations as a core mission of the U.S. military, equal to the conduct of major combat operations.[12] Additionally, the directive calls for the U.S. military to develop capacity in building host nation institutions including police, correctional facilities, and judicial systems. The directive recommended the development of new

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[10] Caplan, International Governance of War Torn Territories, 46.

[11] Caplan, International Governance of War Torn Territories, 46.

[12] United States Department of Defense. *Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations.* DoD Directive 3000.05 (Washington, D.C.: U.S. Department of Defense, 28 November 2005), 1.

training programs that would prepare military personnel to perform essential functions better until these functions can be transferred to civilian authorities.[13] These functions include policing.

Concurrent with the publication of DoD Directive 3000.05 in December 2005, President George W. Bush signed National Presidential Directive-44 (NSPD-44). The presidential directive tasked the State Department to lead planning, coordination, and synchronization of U.S. government agency efforts during post-conflict operations. [14] The State Department subsequently directed the Office of the Coordinator for Reconstruction and Stability Operations (S/CRS) to establish a Civilian Reserve Corps (CRS) that consists of police, constabulary, judicial, and legal experts. The CRS is intended to support the U.S. military during future stability operations in a post-conflict setting.15 Along with culture, the historical role of security institutions, international administrations, the planner must recognize that U.S. government policy toward stability operations continues to evolve. The changes in policy in turn affect the sequence of tasks that planners must address when developing host nation police forces in post-conflict settings. This is best viewed through a review of U.S. interventions during the last 15 years.

Recent U.S. Intervention Case Studies

Haiti

Security Assessment

As the U.S. military prepared for the intervention in Haiti in 1994, the initial mission of the U.S.-led Multi-National Force (MNF) was to return President Jean Bertrand Aristide and his government to power.[16] The security and welfare conditions throughout Haiti had rapidly

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[13] Perito, "U.S. Police in Peace and Stability Operations", 2.

[14] Ibid 3.

[15] Ibid, 3.

[16] Kevin C.M. Benson. and Christopher B. Thrash, "Declaring Victory: Planning Exit Strategies for Peace Operations" *Parameters* (Autumn 1996): 70.

deteriorated following the September 1991 coup led by the *Forces Armees d'Haiti* (FAd'H). However, in 1994, the recent memory of Somalia heavily influenced the planners.[17] Part of the Somalia legacy was the assessment that executing peacekeeping operations under a United Nations mandate without the benefit of a functioning police force was very difficult. In 1992 and 1993, the deteriorating security situation in Somalia contributed to "mission creep," that often characterizes Operation Restore Hope. The worsening security situation hampered the efforts of the U.S.-led United Task Force (UNITAF) and its successor, United Nations Operation in Somalia II (UNOSOM II). Without the benefit of a functional civilian police force, UNITAF and UNISOM II forces struggled to maintain security and public order while disbanding warring Somali factions.

During preparations for Haiti, U.S. military planners, mindful of the Somalia experience, focused on developing a functional civilian police to maintain security and public order. The civilian police force would perform tasks different from those of the U.S. peacekeeping force. The U.S. military planners during Operation Uphold Democracy worked to recruit and train a civilian police force in Haiti that could maintain security and ultimately create the conditions for the withdrawal of U.S. peacekeeping forces.[18]

A New Police Force with Authority

However, before U.S. planners could address President Aristide's return, they had to face the fact that there was no true civilian police force in Haiti. Haiti's only security force was the previously mentioned FAd'H. By law, the FAd'H included both military and police forces.[19] However, the distinction between the two forces was on paper only. The FAd'H fulfilled the dual

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[17] Perito, Robert. Where is the Lone Ranger When We Need Him? America's Search For a Post-Conflict Security Force (Washington, D.C.: United States Institute of Peace Press, 2004), 109.

[18] Ibid, 110.

[19] International Crisis Group. "Spoiling Security in Haiti" *Latin America/Caribbean Report 13* (May 2005), 18.

role of national defense and internal security. The FAd'H consisted of 7,000 men supported by "uncounted numbers of thugs called *Attaches.*"[20] The FAd'H, saddled by corruption, often operated outside the law and without regard for the human rights of the Haitian people. The operation of the FAd'H in both military and internal capacities adversely affected the Haitian people's view of the security forces. The MNF planners considered these variables while they attempted to reshape Haiti's security institutions.

As a result, the U.S. dealt with the absence of an effective national police force along two lines of effort. The first line of effort consisted of working with returning President Aristide to disarm the FAd'H, which Aristide took a step farther in 1995 by completely disbanding the FAd'H. Concurrently, the U.S. planners worked to develop a new national police force that would help re-establish the rule of law in Haiti.

To accomplish the development of a new national police force, the U.S. worked to build a force of 960 International Police Monitors (IPM) provided by twenty-six nations across Europe, the Middle East, and Latin America. These IPMs worked to recruit, train, and monitor the newly minted civilian Haitian National Police (HNP).[21] The IPMs were authorized, under the 1993 Governor's Island Accord, to carry arms, make arrests, prevent violence between Haitian citizens, and employ deadly force in self-defense situations.[22] The American IPM commissioner was Raymond Kelly, presently the Police Commissioner of New York City. He reported directly to the MNF commander.

In operation, the IPMs were employed as units to specific sectors, providing security and supervising the Haitian Interim Public Security Force (IPSF). The IPSF was established to provide security from the arrival of the U.S.-led MNF forces until the creation of the HNP. The

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[20] Perito, Where Is the Long Ranger When We Need Him?, 110.

[21] International Crisis Group. "Haiti: Security and the Reintegration of the State" *Latin America/Caribbean Briefing* 12 (30 October 2006), 3

IPSF consisted of 3,000 members of the FAd'H who had been vetted and retrained.[23] They were located with U.S. Military Police in newly established Haitian police stations. Often, the IPMs executed security missions under a "Four Man In a Jeep" concept. This concept brought together a MNF vehicle with a Military Police driver, an IPM officer, an IPSF officer, and an interpreter---all with full police powers.[24]

By March 1995, the U.S.-led MNF transferred authority, in accordance with the terms agreed upon in United Nations Security Resolution 940, to a new force, the United Nations Mission in Haiti (UNMIH)[25] The IPMs transferred their mission to UN CIVPOL force consisting of 870 officers. These UN police were armed and operated with the authority to make arrests and enforce laws. They trained and monitored the growing HNP and assisted in establishing a "secure and stable environment."[26] The emergence of the HNP, working in concert with UNMIH, improved security. It appeared to both the Haitian people and the international community that the HNP operated as a politically neutral security institution. In its infancy, the HNP conducted law enforcement in Haiti and possessed a human rights record better than its predecessor, the FAd'H.[27] Although there were growing pains with organizational structure, logistics, and leadership, the international community considered the HNP successful.

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[22] Perito, "U.S. Police in Peace and Stability Operations", 6.

[23] Ibid, 6.

[24] Ibid, 6.

[25] Michael Bailey, Robert Maguire, and J. O'Neil G. Pouliot, "Haiti: Military-Police Partnership for Public Security", in Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security* (Washington, D.C.: National Defense UP, 1998), 216.

[26] Perito, "Special Report: U.S. Police in Peace and Stability Operations", 6.

[27] Janice M. Stromsen and Joseph Trinciletto, "Building the Haitian National Police: A Retrospective and Prospective View" *Haiti Papers* No. 6 (Washington, D.C.: Trinity College, 2003), pp. 3-4, http:// www.trinitydc.edu/academics/depts/Interdisc/International/PDF%20files/HNP.final.pdf (accessed 13 February 2008).

However, by the later 1990s, the initial success of the HNP had disappeared. First, the political situation in Haiti deteriorated under the leadership of President Aristide and his successor, President Rene Preval. Aristide could not run for re-election in 1995. Preval was elected and subsequently led the country from 1996-2000. At the same time, follow-on U.N. missions did not possess the resources to support the continued growth and development of the HNP. Aristide returned to the presidency in 2001 after a controversial election that included low voter turnout, allegations of voting impropriety, and opposition boycotts.[28] In February 2004, former Haitian Army soldiers and organized criminal gangs seized control of Gonaives, Haiti's fourth-largest city, and demanded that Aristide resign the presidency.[29]

With U.S. assistance, Aristide departed the country in February 2004. Concurrently, the UN authorized an intervention force to maintain security in Haiti. That force led to the subsequent establishment of the United Nations Stabilization Mission in Haiti (MINUSTAH). MINUSTAH assumed responsibility for security in June 2004 and its mandate continues today. Under UN Security Resolution 1780, MINUSTAH's mission is scheduled to end on 15 October 2008.[30] The events following the HNP's initial successes show how political turmoil, coupled with follow-on stability missions lacking both resources and authority, stopped the progress of the developing national police force.

Building Capacity

The ebb and flow of resources during the last 15 years hampered the growth of the HNP. In 1994 and 1995, resources were not a problem. While the IPMs operated in conjunction with the U.S.-led MNF, the United States Justice Department led the effort to train the newly-formed

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[28] Robert M. Perito, "Haiti: Hope for the Future" *United States Institute of Peace Special Report No. 188* (June 2007), 3.

[29] Ibid, 3.

[30] United Nations Peacekeeping, "Haiti-MINUSTAH-Facts and Figures," United Nations, http://un.org/Depts/dpko/missions/minustah/facts.html (accessed 12 February 2008).

HNP. The U.S. Justice Department's International Criminal Investigative Training Assistance Program (ICITAP) led the training effort along with support from its French and Canadian partners.[31] Together with the French and the Canadians, ICITAP established Haiti's first National Police Academy. Staffing the police academy required over 300 trainers and interpreters to train approximately 3,000 cadets. When the Haitian government decided to increase the HNP from 3,500 to 5,000 officers, a second police academy campus was opened in the United States at Fort Leonard Wood, Missouri.[32] In two years, the multi-national efforts trained 5,243 Haitian police officers.[33] Once the new officers were ready for their law enforcement duties, they were placed under the supervision of the IPMs in the field. This training program directly facilitated the improvements in the security situation in Haiti during 1994 and 1995.

However, the political situation deteriorated in the late 1990s. The HNP failed to take root as an institution. After the initial successes, backed by support and leadership from the MNF and ICITAP, the HNP training program drifted. As time passed, the UN CIVPOL instructors were replaced by a new set of trainers.[34]The rotation of CIVPOL officers, in and out of the mission from different nations, compounded the training problem by incorporating conflicting policing styles. As the mission progressed "the diversity of policing styles became very problematic, and field monitoring strayed from what recruits were taught at the Haitian Police Training Centre (HPTC)."[35] The changing policing styles and rotation of instructors undermined the program's initial organization and standards, producing a disjointed effort with unrelated blocks of instruction.

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[31] International Crisis Group, "Haiti: Security and the Reintegration of the State", 3.

[32] Perito, "U.S. Police in Peace and Stability Operations", 6.

[33] International Crisis Group, "Haiti: Security and the Reintegration of the State", 3.

[34] Timothy Donais, "Back to Square One: The Politics of Police Reform in Haiti," *Civil Wars* Vol. 7, No. 3 (Autumn 2005), 276.

[35] Janice M. Stromsen and Joseph Trinciletto, "Building the Haitian National Police: A Retrospective and Prospective View", 3.

As the police academy program deteriorated, the HNP also strayed from maintaining political neutrality. In the late 1990s, with worsening economic conditions and an increasingly indifferent international governing authority, Haitian political leaders employed authoritarian means to consolidate power. Increasingly, both Presidents Aristide and Preval selected the HNP leadership for their political leanings, rather than commitment to the rule of law. Additionally, the HNP received criticism for its heavy-handed, violent methods of enforcement. The HNP was criticized by the media for working with *chimeres*, militant-type pro-Aristide groups that acted without much interference to suppress political opposition.[36] Thus, the HNP undermined its respect among the populace.

Wherever the HNP operated, it used heavy-handed tactics. This heavy-handed approach meant employing unnecessary levels of force to deal with law enforcement situations. This approach reveals itself in alleged human rights violations, crimes, kidnapping, narcotics trafficking, and violence against women. The heavy-handed approach did not reflect positively on the government led by President Preval, who returned to office in 2006 as the Haitian leader. Again, history and culture played a part in the continuing development of the HNP, with Haiti's long history of authoritarian regimes. These regimes tended to be insecure, extremely directive, and often a violator of human rights.[37] Subsequently, these characteristics and methods of government only continue to create distrust and uncertainty for the Haitian population in its relations with its police force.

Today, under the authority of the MINUSTAH mission, numerous problems continue to plague the HNP as it undergoes another rebuilding process. The HNP force peaked in size in 1997. The high of 6,500 police officers in 1997 dwindled to 3,000 by 2003.[38] Several factors

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[36] Donais, "Back to Square One: The Politics of Police Reform in Haiti", 277.

[37] International Crisis Group. "Spoiling Security in Haiti", 10.

[38] Donais, "Back to Square One: The Politics of Police Reform in Haiti", 277.

explain the decline in force strength, including poor recruiting, logistics, financing, and the dismissal of at least 1,000 members for the corruption and human rights violations.[39] However, through the efforts of several international support missions, the force structure rebounded to a current strength of 5,800 officers.[40] In fact, the current director general of the HNP, Mario Andresol estimates that 25% of his force has committed criminal offenses.[41] The Haitian government continues to impede reform by failing to support the HNP as the sole national security force. The government lacks a commitment to rule of law, and continues to support militant groups and ex-members of the FAd'H.[42] For these reasons, the Haitian people do not trust their security institutions.

Nevertheless, the UN, through MINUSTAH, and President Preval's government has an ambitious plan to expand the HNP force to 14,000 officers by 2010.[43] Achieving this expansion will require the international community to commit a huge sum of funds. Resources will be used to fund recruiting, equipment purchases, officer salaries, and the physical infrastructure of the HNP.[44] A comparison of the U.S.-led MNF program in 1994-1995 and the situation facing MINUSTAH in 2008 suggests that the current situation requires three times the force, funding, and effort than the initial stages of Operation Uphold Democracy.

Additionally, MINUSTAH faces other challenges similar to previous UN missions in Haiti. MINUSTAH's CIVPOL element currently employs some of the same officers who served earlier. These officers, representing over 30 countries with different languages and policing styles, struggle to present a common front to Haitian government officials, the current HNP, and

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[39] David Gonzalez, "Civilian Police Force Brings New Problems in Haiti," *New York Times*, late edition, November 26, 1999.

[40] Perito, "Haiti Hope for the Future", 4.

[41] Ibid, 4.

[42] International Crisis Group. "Spoiling Security in Haiti", 10.

[43] Perito, "Haiti Hope for the Future", 4.

prospective recruits. For instance, in February 2005, out of the 644 CIVPOL officers operating in support of MINUSTAH, 200 of the officers spoke neither French nor Haitian Creole.[45]

More importantly, in contrast to the efforts during the initial stages of Operation Uphold Democracy and UNMIH, the current CIVPOL group under MINUSTAH lacks actual policing authority and associated powers. Without police authority, the CIVPOL cannot arrest members of armed gangs and organized criminal groups nor can it root out corruption within the HNP. In fact, the most effective security force in Haiti during the ongoing MINUSTAH effort continues to be UN military forces and the UN rapid reaction force (approximately 750 troops strong). Those forces have achieved limited success in controlling armed gangs and maintaining security during Haiti's 2006 elections.[46]

The history of the HNP during the past 14 years reveals several key lessons that military planners should note. First, the MNF planners effectively assessed the security requirements of the post-conflict environment. Next, the MNF planners understood there was no effective civilian police force and thus, developed a plan to build the HNP. The attention paid to disarming the existing Haitian security forces and to creating a politically neutral force provided a basis of initial progress toward providing security to the populace during 1994 and 1995.

Along with an accurate security assessment and decision to create the HNP, the Haiti experience reveals the importance of providing the security forces appropriate authority. This authority specifically refers to the powers granted by the UN or another international body to develop local police forces and, concurrently, to maintain security during the buildup of that local police force. Throughout the Haiti case study, the authority of the international intervention force waxed and waned with each subsequent UN mission. During Operation Uphold Democracy and

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[44] Ibid, 4.

[45] Donais, "Back to Square One: The Politics of Police Reform in Haiti", 281.

[46] Perito, "Haiti Hope for the Future", 4.

the follow-on UNMIH, UN forces and CIVPOL executed missions with a level of authority that supported security efforts and the early buildup of the HNP. Follow on missions, to include the current MINUSTAH, operated with waning authority that undermined the security situation on the ground and stunted the growth of the HNP and Haiti's security institutions.

The efforts to build the HNP's capacity ebbed and flowed over time. However, the establishment of a host nation police force in a post-conflict environment consistently takes time, resources, and commitment. Beginning with the transition of authority from the U.S.-led MNF to the UNMIH in the spring of 1995, a series of subsequent UN missions lacked sufficient resources to maintain and monitor the continued development of the HNP. Coupled with unstable political environment and the increased politicization of the HNP, the HNP moved away from its early successes and spiraled into a force besieged by desertions, corruption, and ineffective methods of law enforcement. Today, the MINUSTAH mission works to rebuild the HNP and the security institutions in Haiti once again. Based on a continued deployment of U.S., UN, and CIVPOL forces into the region during the last 14 years, it becomes clear from the Haiti case study that building an effective HNP will require a steady commitment for at least a decade.

Finally, the Haiti experience reveals the need for a politically neutral police force. There is a requirement for a strong working relationship between a developing police force and the national government. Control is necessary if only to set budgetary allotments and select senior leaders. However, there must be a concerted effort to keep political interests out of policing functions. Eliminating the political influence promotes a western style professional police force and a force that can internally monitor itself, ultimately decreasing corruption and police abuses.

Although the Haitian case is informative, it cannot teach all the important lessons related to reforming or rebuilding national police forces. Other recent U.S. interventions relevant to this study also provide valuable lessons. The case studies of Bosnia and Kosovo provide further insight into principles that the military planner can employ in developing host nation police forces in complex environments.

Bosnia

Security Assessment

Approximately eight months after the U.S.-led MNF transferred authority to the UNMIH, US-led negotiators helped establish the framework for ending the Bosnian war. At the completion of negotiations at Wright Patterson Air Force Base on November 21, 1995, members of the warring factions signed the General Framework Agreement for Peace in Bosnia and Herzegovina (also known as the Dayton Agreement). According to the Dayton Agreement, the warring factions in Bosnia assumed responsibility for maintaining a "safe and secure environment for all persons in their respective jurisdictions."[47] At the time of the Dayton Agreement, the armed factions in Bosnia consisted of Serbian, Croatian, and Muslim forces. Each faction maintained its own distinct police force. Following Dayton, each faction retained its own separate police force. The warring factions requested that the U.N. Security Council establish a police force to support Bosnian police agencies in the war-torn, ethnically charged country.[48] In response, the UN Security Council adopted Resolution 1035 on December 21, 1995. That resolution created the United Nations Mission in Bosnia and Herzegovina (UNMBIH) and established its primary arm,- the International Police Task Force (IPTF). Under Resolution 1035, the UN civilian police task force was assigned the following functions: monitor, observe, and inspect law-enforcement activities and facilities, as well as judicial organizations, structures, and proceedings; advise law-enforcement personnel and forces; train law-enforcement personnel and forces; analyze the public security threat and offer advice to government authorities on how to organize their police forces most effectively; facilitate law enforcement improvement and respond to requests of the parties,

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[47] North Atlantic Treaty Organization, *The General Framework Agreement for Peace in Bosnia and Herzegovina*, (Paris, 1995), Annex 11, Article I, 1.

[48] Perito, "U.S. Police in Peace and Stability Operations", 7.

to the extent possible.[49] These multiple tasks suggested a requirement for a robust IPTF possessing both expansive authority and capacity.

The IPTF's authority was a topic of much debate in late 1995. During the Dayton Agreement planning process, the multi-national Contact Group (Great Britain, France, Russia, Germany, and the U.S.) had differed over several issues surrounding the establishment of the IPTF, including its composition and authority.[50] The U.S. State Department delegation pushed for the creation of a robust police force as well as a rapid reaction unit consisting of Western European civilian police. The rapid reaction unit was to include participation by the United States and Canada. The proposed force would not include UN participation.[51] The force was to be trained, equipped, and resourced by European nations and NATO allies and to include helicopter capabilities and armored vehicles. Additionally, the proposed force would be armed and authorized to make arrests and employ deadly force.[52] Meanwhile, the U.S. would take primary responsibility for the North Atlantic Treaty Organization (NATO)-led military Implementation Force, known as IFOR.[53]

However, the European members of the Contact Group strongly opposed the U.S. point of view. They did not support the strong, robust police force and would only accept unarmed UN police monitors. The Pentagon agreed with the European position, primarily because memories of the downed U.S. Black Hawk helicopter in Somalia, and "mission creep" were only two years old.[54] U.S. military planners were concerned about "mission creep". The U.S. military planners foresaw scenarios in which the armed IPTF could be overwhelmed and IFOR would be required

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[49] United Nations, *United Nations Security Resolution 1035*, (New York, 1995), Article III, 1, a-g.

[50] Holbrooke, Richard. *To End A War*. (New York: Random House, 1998), 251.

[51] Ibid, 252.

[52] Perito, "U.S. Police in Peace and Stability Operations", 7.

[53] Ibid, 7.

[54] Caplan, International Governance of War-Torn Territories, 47.

to conduct hasty rescues under fire. In the final days of the Dayton planning process, U.S. diplomat and chief Dayton negotiator, Richard Holbrooke attempted to create a strong police force with executive authority by proposing that the U.S. take responsibility for establishing, organizing, training, and arming the IPTF.[55] However, Holbrooke could not secure an agreement to fund his proposed version of the IPTF. Thus, the UN gave the IPTF a weak mandate under Resolution 1035 and placed the IPTF under UN control.

Under the finalized Dayton Agreement and Resolution 1035, the unarmed IPTF did not have the authority to enforce the law, conduct investigations, make arrests, or use deadly force. The IPTF was limited to monitoring and training the Bosnian police.[56] The Bosnian police faced multiple problems including resourcing, funding, recruiting, internal strife, internal bias, and an ethnically charged situation. Concurrently, the 60,000 strong IFOR multi-national force (including approximately 20,000 U.S. troops) provided security. However, the IFOR mandate did not include civilian police responsibilities and the force was not structured for law enforcement. Consequently, the IPTF lacked both authority and capacity. The IPTF's effectiveness would hinge on the support of the Bosnian police it was charged to monitor and train, as well as the warring factions who signed the Dayton Agreement.

As events subsequently revealed, IFOR and the IPTF failed to support each other's mission during the actual conduct of law enforcement in 1996. The unresolved political disagreements embodied in the Dayton Agreement hindered law enforcement because political control was not established. Absent control, no single political entity possessed the authority to employ the capabilities of both IFOR and the IPTF in concert. The absence of a unified command hampered law enforcement efforts throughout the duration of the IFOR mission and into the subsequent Stabilization Force Mission (SFOR). While the issues of capacity plagued the IPTF

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[55] Holbrooke, *To End A War*, 251.

[56] Perito, "U.S. Police in Peace and Stability Operations", 7.

from the start, the issues of authority and political control continued to affect every aspect of the IPTF's Dayton mandate.

Understanding that the Dayton mandate called for the IPTF to respond to the request of the parties within Bosnia, the IPTF could only operate effectively with their consent.[57] By design, the IPTF did not possess the authority to maintain public order independently. In situations where the implementation of the Dayton Agreement ran in opposition to the interests to either the Bosnian Croatians, Bosnian Serbs, or Bosnian Muslim parties, the IPTF could do little to intervene. The politically and ethnically based local police forces either withdrew or actively supported violations of the Dayton Agreement. Meanwhile, IFOR, lacking civilian law enforcement capabilities, provided no alternative to the ethnically aligned police. Thus, there was an "enforcement gap" in Bosnia.[58] Rules could be made but not enforced.

By virtue of the Dayton Agreement's design, the military and other civilian agencies struggled constantly to unify the efforts of IFOR and the IPTF. However, the Dayton framework mandated they work separately. IFOR operated under the control of NATO while the IPTF worked under UNMIBH. However, IFOR and the IPTF were not alone in this struggle. The Office of the High Representative (OHR) was charged with coordinating the efforts in Bosnia, as designated by the Dayton Agreement.[59] However, the OHR lacked authority over IFOR and the IPTF. The IPTF Commissioner was required only to consult with the OHR. Other key actors in the midst of this loose framework included the Organization for Security and Cooperation in Europe (OSCE), the U.N. High Commissioner for Refugees (UNHCR), the World Bank, the International Red Cross, and a host of other Non-Governmental Organizations (NGOs). All made

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[57] Michael J. Dziedzic and Andrew Bair, "Bosnia and the International Police Task Force" in Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security* (Washington, D.C.: National Defense UP, 1998), 270.

[58] Caplan, International Governance of War Torn Territories, 48.

[59] Dziedzic and Bair, "Bosnia and the International Police Task Force", 271.

independent efforts to improve the security situation and implement the Dayton Agreement. However, during the early and critical stages in Bosnia, little coordination existed between these agencies, which set the conditions for future events.

In several instances, competing factions challenged the fragile law enforcement authority and framework. These challenges to government authority occurred throughout Bosnia, but most notably in two places. First, factions from competing interests clashed in the Zone of Separation, where Bosnian Muslims were resettled in accordance with the political agreement. Second, a clash occurred in February 1996 during the transfer of the Bosnian Serb-controlled suburbs of Sarajevo to the newly formed Bosniac-Croat Federation.

Under the Dayton Agreement, the Sarajevo suburbs were transferred from the Bosnian Serb military to the Bosniac-Croat Federation. The transfer was intended to reduce the risk to the city from artillery attacks, if war resumed. Over 100,000 long-time Serb residents lived in these suburbs. As the deadline for the transfer to the Bosniac-Croat Federation neared, the Bosnian Serb leadership ordered and enforced the evacuation of these Serb residents from their homes. The Bosnian Serb leadership, by employing intimidation tactics, also instructed the evacuating residents to destroy everything they could not carry and to loot, burn, and destroy the buildings so nothing would remain for the Federation authorities.[60]

To prevent the destruction planned by the Bosnian Serb leaders, the OHR (led by Carl Bildt), agreed to let the Bosnian Serb police remain in the suburbs, assuming they would protect the Serb residents from the acts of intimidation. While media around the world recorded and reported on these events, Bosnian Serb police and other pro-Serb groups forced as many as 30,000 residents, who may have stayed, to leave the disputed suburbs.[61] The destruction in the

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[60] Perito, "Special Report: U.S. Police in Peace and Stability Operations", 8.

[61] Ibid, 8.

wake of the exodus knew no bounds. Some families even exhumed the bodies of their relatives and brought them to Republic of Srpska territory.[62]

While the transfer of the suburbs was underway, IFOR monitored the developing situation. For the most part, it watched idly while the destruction ensued. IFOR, under the leadership of U.S. Admiral Leighton Smith, did not view police functions as part of its mandate. The IPTF, lacking both authority and capacity, also did little to prevent the violence. These events illustrate the gaps in law enforcement that existed during the IFOR mission. The destruction and violence in the Sarajevo neighborhoods damaged efforts to reintegrate the three primary ethnic factions peacefully in Bosnia.[63] In this particular case, it reinforced the notion that even with international police and military forces present in Bosnia, it was not safe for Serbs to remain in Muslim-controlled territories[64].

However, within Bosnia, few territories were safe from organized crime, ethnic gangs, and general criminal activity. This condition resulted primarily from the fragmentation of the Serb, Croat, and Bosniac police forces that continued to operate independently throughout Bosnia during the initial post-Dayton years. In December 1995, the U.N. assessment team determined that 44,750 police officers were on duty in Bosnia: 29, 750 in Muslim-controlled areas, 3,000 in Croat-controlled areas, and 12,000 in the Republic of Srpska. [65]. The police forces operated under the control of their respective political leadership. With the arrival of IFOR and the IPTF, the Bosniacs reduced their forces. However, the Republic of Srpska did not. In February 1997, the Bosniacs and Croats agreed to merge their police forces. As of August 2007, the Republic of Srpska continued to resist all efforts to force reforms or to integrate their police with the other

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[62] Perito, "U.S. Police in Peace and Stability Operations", 8.

[63] Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld & Nicholson, 1998), 197.

[64] Dziedzic and Bair, 283.

two ethnic groups.[66] The preservation of independent police forces works against all efforts to control crime within the country. Crime networks continue to exploit the seams between the police forces, aided by the fact that Bosnia's constitution prevents police from crossing into the territory of another entity.[67] Some criminals operate under the umbrella of police protection, either directly or indirectly.

Since police reform and integration have been frustrated, the police remain a politicized force throughout Bosnia. They are tied to their political leadership and, in the majority of situations, cannot enforce the law evenhandedly. Political control permeates all levels of law enforcement and remains highly visible in regard to the arrest and prosecution of indicted war criminals, especially in the Republic of Srpska. As of September 2005, not one war criminal indicted by the Bosniac Federation or the International Crimes Tribunal of the former Yugoslavia in the Hague (ICTY) had been arrested by the Serb police.[68]

Building the IPTF's Capacity

As the enforcement of the Dayton Agreement commenced, the IPTF struggled to fulfill its mandate and encountered some of the same problems in establishing a civilian police force in Bosnia that had occurred in Haiti. The first problem that haunted the IPTF during its formation was its lack of capacity. Under the terms of Resolution 1035, the IPTF's authorized end strength was 1,721 international police monitors.[69] In December 1995, a U.N. assessment team deployed to Bosnia by the UN Secretary-General sought to determine the requirements for the impending

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[65] United Nations, Report of the Secretary-General Pursuant to Security Council Resolution 1026, (New York, 1995), S/1995/1031, paragraph 22, 6.

[66] International Crisis Group, "Bosnia's Stalled Police Reform: No Progress, No EU", *International Crisis Group Europe Report No. 164*, 6 September 2005, 4.

[67] International Crisis Group, "Bosnia's Stalled Police Reform", 4.

[68] Ibid, 4.

[69] Perito, "U.S. Police in Peace and Stability Operations", 7.

CIVPOL mission. The assessment team found 44,750 local police in Bosnia.[70] To calculate the requirement for the IPTF monitors, the assessment team planned one monitor for 30 local police, thus, an IPTF end strength of 1,721 police monitors. The IPTF monitors were to fan out across 109 police stations in Bosnia. In terms of capacity, the planned end strength failed to meet the requirements outlined for the IPTF in the Dayton Agreement. Primarily, the shortfalls occurred in advising, training, and restructuring Bosnia's local law enforcement agencies.[71] Eventually, the monitors deployed from forty-three different nations, including the United States.

Along with a force too small to meet the IPTF's Dayton requirements, the IPTF's slow deployment further reduced capacity. By early March 1996, the IPTF operated with only 392 monitors inside Bosnia---well below the authorized end strength.[72] Nations, including the United States, struggled to meet their requirements and faced delays.[73] One reasons for the deployment delay was recruiting. Recruiting proved a significant challenge for the IPTF. Consistent with the U.N. standards of the time, IPTF monitors were required to be fluent in English, possess the ability to drive, and have 8 years of policing experience within their sourcing country. Compounding the recruiting problem was the U.N. failure to consider IPTF requirements other than monitoring, so there were shortages in field trainers, police academy administrators, and police reform advisors.[74] Early in 1996, these requirements proved difficult to meet for many of the initial IPTF monitors. Recruiting shortfalls led to the U.N.'s employment of a Selection Assessment Team in mid-1996. In preparation for the second rotation of IPTF in Bosnia starting

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[70] Dziedzic and Bair, 272.

[71] Ibid, 273.

[72] Human Rights Watch, "Bosnia and Hercegovina---No Justice, No Peace: The United Nations International Police Task Force's Role in Screening Local Law Enforcement", *Human Rights Watch/Helsinki*, Vol. 8, No. 15D, September 1996, 5.

[73] Kevin F. McCarroll and Donald R. Zoufal, "Transition of the Sarajevo Suburbs", *Joint Force Quarterly*, No. 16, Summer 1997, 50-53.

[74] Dziedzic and Bair, 274.

in 1996, the Selection Assessment Team deployed to screen monitors in their home country prior to deployment. IPTF tours in Bosnia were normally for one year. By conducting English aptitude exams and by closely screening prospective recruits, the Selection Assessment Team, with help from the IPTF staff in Bosnia, improved the quality of the IPTF force. Additionally, the U.N. published specific guidance and updated criteria for the IPTF. Thus, contributing nations were better able to deploy CIVPOL with the proper capabilities.[75]

Even with the required capabilities, the IPTF faced logistical shortages and resource shortfalls. During the initial employment, the IPTF suffered under the slow-moving, under-resourced U.N. logistics support system. Consequently, shortfalls in transportation, communications, general supplies, and maintenance hampered the IPTF throughout its first year. For example, the IPTF worked with a 25% shortage of handheld radios, a 30% shortage of vehicle radios, and in late July of 1996, conducted operations with a 21% shortage in operational vehicles.[76] Some of the logistical problems and resources can be attributed to, once again, inadequate planning estimates conducted by the U.N. assessment team. Most of these planning estimates were based on previous CIVPOL missions that did not include the myriad tasks owned by the IPTF. Ultimately, the IPTF's logistics problems were mitigated by decentralized IFOR support. IFOR support was negotiated with one or multiple IFOR contributing nations depending on the requirement. In mid-1996, IFOR formalized a Logistics Support Package for the IPTF that provided communications and fuel support as well as offering, in an emergency situation, both medical and life support (food, water, shower facilities).[77] Along with additional UNMIBH support, IFOR agreements helped to dramatically improve the IPTF's logistics posture over time.

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[75] Dziedzic and Bair, 274.

[76] Ibid, 277.

[77] Ibid, 279.

Lessons Learned

In reviewing the lessons learned in Bosnia, there are several key points to highlight. Unlike Haiti, the security assessment in Bosnia involved three separate factions, each with its own independent police force. The Dayton Agreement called for the reform of these separate police forces monitored by the IPTF. Arguments ensued over the authority and the makeup of the IPTF, resulting in political agreements that did not give the IPTF adequate authority. To operate, the IPTF required the consent of the three police forces it monitored.

As in Haiti, establishing the IPTF and working to reform the primary police forces in Bosnia took time and resources. Early in 1996, the IPTF lacked sufficient capacity in terms of numbers, training, and logistics. Through support from the UN, IFOR (and follow-on SFOR missions), the U.S-led ICITAP, and now, the European Union (EU), the resourcing situation improved.

With the benefit of hindsight, the true flaw in the Bosnia experience lies in the original security assessment. Political agreements and competing interests dictated that the three competing factions retain their independent police forces. However, the security assessment proposed by the U.S. State Department, led by Richard Holbrooke, called for a strong force with the power and the ability to make arrests. That force could have exercised authority and potentially could have expedited police reform throughout the country. However, over the twelve years since the Dayton Agreement, issues over authority and political control continue to dominate the Bosnian police landscape. True police reform will not occur until these two primary issues are resolved through political negotiations.

In 2002, the IPTF's mandate expired. In turn, the EU established the European Police Mission (EUPM) with the follow-on mission to supervise police reform in Bosnia.[78] The EUPM continues to monitor police reform but faces challenges similar to those faced by the IPTF;

namely recruiting, training, and working with independent police forces throughout the country. The EUPM mandate in 2002, was to "monitor, mentor, and inspect" Bosnian police forces. Much like the IPTF, the mandate does not provide the authority and the ability to enforce reform.

Up until 2007, the Republic of Srpska and the Republic of Serbia in Belgrade impeded all reform efforts through political avenues and exerted pressure on their Serb police leadership. Recent developments on the political front are promising. On September 28, 2007, in response to continued pressure from the EU, the Serb Republic agreed to police reform. Bosnia cannot join the EU until its police reform, and unification of the Serb and Bosniac police forces is complete in accordance with the Stabilization and Association Agreement.[79] Bosniac and Bosnian Serb leadership agreed to the pact and it is currently under review by the EU.

Kosovo

Security Assessment

Following the signing of the Dayton Agreement in December 1995 and its subsequent enforcement through the NATO-led IFOR and, later, SFOR missions, Serbian President Slobodan Milosevic slowly turned his attention toward Kosovo. Beginning in 1989, Milosevic sought to reduce the influence of a growing ethnic Albanian population in Kosovo, the traditional Serb "heartland".[80] In 1989, he restricted some of the freedoms that former Yugoslavian President Josip Broz Tito granted Kosovo. He did this in numerous ways, most notably by dismissing Albanian teachers from Kosovo schools and universities and by introducing a Serbian focused

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[78] International Crisis Group, "Bosnia's Stalled Police Reform", 12.

[79] Associated Press, "Bosnia's Political Rivals Agree to Reform 2 Days Before EU Deadline Set to Expire", *International Herald Tribune*, September 28, 2007, http://www.iht.com/articles/ap/2007/09/28/europe/EU-GEN-Bosnia-Police-Reform.php (accessed 8 March 2008).

[80] Peter Huchthausen, *America's Splendid Little Wars* (New York: Penguin Books, 2003), 212.

curriculum in schools. He made it illegal for Albanians to purchase and sell property without permission, and encouraged a form of government that marginalized the Albanian majority.[81]

In 1998, Milosevic was the President of the Federal Republic of Yugoslavia. Under his leadership, Serb military forces acted to force the resettlement of all ethnic Albanians outside Kosovo's borders. In the spring of 1998, using brutal force and harsh tactics, Serb military units forced a widespread exodus of ethnic Albanians from Kosovo; paramilitary squads massacred key Albanian leaders and caused panic throughout the region.[82] In response, the U.N. passed Security Council Resolution 1198, acknowledging that the deteriorating situation threatened peace and security throughout the region and demanded that all parties agree to cease hostilities.[83] However, Serb forces continued the Albanian resettlement.

On March 24, 1999, NATO commenced an air campaign against Serb forces in both Kosovo and Serbia. The air campaign sought to end to the violence in Kosovo, to compel the Serbs to withdraw their military and paramilitary forces, and to set conditions for an international peacekeeping presence.[84] After 78 days of bombing, President Milosevic agreed to allow an international peacekeeping force into Kosovo. On June 10, the U.N. passed Security Council Resolution 1244, which created the UN Interim Mission in Kosovo (UNMIK).[85]

In establishing the UNMIK, planners showed that lessons had been learned from Haiti and the IPTF's struggles in Bosnia. Resolution 1244 charged the Kosovo Force (KFOR) with "establishing a secure environment…and ensuring public safety and order until the international civil presence can take responsibility for this task".[86] With their task defined, KFOR planners

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[81] Huchthausen, America's Splendid Little Wars, 212.

[82] Ibid, 215.

[83] United Nations, *United Nations Security Resolution 1198*, (New York, 1998), 1.

[84] Huchthausen, America's Splendid Little Wars, 216.

[85] United Nations, *United Nations Security Resolution 1244*, (New York, 1999), 1.

[86] Ibid, 1.

worked to provide commanders with the assets and capabilities required to accomplish their broad mission. NATO and the U.N. prepared to handle the volatile post-conflict environment by including constabulary units in KFOR.

Authority

Erwin A. Schmidl defines constabulary as a unit "organized along military lines, providing basic law enforcement and safety in a not yet fully stabilized environment".[87] Constabulary units, contain a percentage of military police that possess the capabilities to deal with rioting and civil disorder. They were deployed to Kosovo in the summer of 1999. Out of NATO's five KFOR multinational brigades, four deployed with military police units that focused on establishing public order. Establishing public order requires military police to patrol communities, search for weapons, disarm combatants, control riots, and investigate crimes.[88] Other constabulary units employed in KFOR included: a Multi-National Specialized Unit (MSU) modeled on the MSU employed in Bosnia, ten U.N. Special Police Units (SPUs) to support the UNMIK police force, British *Royal Military Police*, French *Gendarmes*, Italian *Carabinieri*, and the Spanish *Guardia Civil*.[89] The inclusion of these forces at the outset of the KFOR mission reflected two differences between the planning for Kosovo and the planning for Bosnia. First, KFOR's mission set, especially in terms of security, was broader than IFOR's (and later SFOR's). Secondly, lessons learned from recent missions in Haiti and Bosnia dictated the employment of units that provided commanders with trained and equipped assets to deal with the

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[87] Erwin A. Schmidl, "Policing Functions in Peace Operations: A Historical Overview", *Policing the New World Disorder*, ed. Robert Oakley, Michael Dziedzic, and Eliot Goldberg (Washington, D.C.: National Defense University Press, 1998), 22.

[88] Perito, Where Is the Long Ranger When We Need Him?, 186.

[89] Ibid, 186.

post-conflict environment. Consequently, these units provided commanders added security capacity in lieu of using regular infantry and armored forces to execute security tasks.[90]

In developing the host-nation police force in Kosovo, strategic military planners faced numerous challenges. First, Kosovo did not have any local police. During the Kosovo conflict, Yugoslav Interior Ministry's Special Police Units (MUP) committed some of the worst crimes involving ethnic cleansing.[91] With the withdrawal of Serb forces from Kosovo, the U.N. worked to establish a new police force, the Kosovo Police Service (KPS). In post-conflict Kosovo, the U.N. employed a force of 3,155 UNMIK police to maintain public order while the KPS developed.[92] The UNMIK police were armed and possessed legal authority to conduct investigations and make arrests; this was unprecedented for the U.N.[93] Additionally, the UNMIK organized and supervised the development of the KPS while OSCE bore the responsibility for training the KPS.

Establishing Security

Despite the planning for the post-conflict environment, the UNMIK force trickled into Kosovo and the security situation suffered. In the summer of 1999, KFOR could not prevent violent clashes that erupted when the ethnic Albanian population struck out against returning ethnic Serbs and other minorities. Albanian organized crime elements took advantage of the enforcement gap and pillaged vehicles, smuggled weapons, and engaged in both drug and human trafficking.[94] By July 2002, the KPS could provide greater security capacity and the number of

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[90] Peter Jakobsen, "The Role of Military Forces in Managing Public Security Challenges: As Little as Possible or Filling the Gap?," (paper presented at the International Studies Association's 43rd Annual Convention, New Orleans, March 27, 2002), 10-12.

[91] Perito, Where Is the Long Ranger When We Need Him?, 189.

[92] Ibid, 189.

[93] Ibid, 186.

[94] Caplan, International Governance of War Torn Territories, 49.

serious crimes, including attacks and intimidation on ethnic Serbs and minorities, declined.[95] With the larger, better-trained police force, the UNMIK and KPS were able to arrest several organized crime leaders and disrupt their networks. The improved quality of the KPS and the timely deployment of the UNMIK helped counter key threats to Kosovo's security. However, the overall security situation remained tenuous and further violence continued to occur in the Kosovo region, highlighted by violent riots led by ethnic Albanian supporters in March 2004.

While the overall security situation improved, several other factors threatened the development of the KPS as a neutral, apolitical force. The first of these factors was the corruption of public officials. Throughout 2002 and 2003, the KPS arrested numerous officials charged with improprieties, including the director of the property registration office in Pristina, the director of the public housing authority in Pristina, and the director of the vehicle registration in Pec.[96] In keeping with their efforts against corruption, the UNMIK also created the Financial Insepction Unit in January 2003. These steps illustrate the ability of both the UNMIK and KPS to act impartially. The second factor threatening the KPS remains interethnic conflict. Interethnic conflict was addressed through the development of a multi-ethnic KPS so that it best represents the demographics of the population. By 2003, the composition of the KPS was 84% Albanian, 9 % Serbian, and 7% from other minorities.[97] Although a multi-ethnic force does not guarantee impartiality and political neutrality, it does represent a large step toward ethnic integration and provides legitimacy to a fledgling public institution.[98]

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[95] United Nations, Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo, (New York, 2002), UN Doc S/2002/779, para. 23.

[96] Seth G. Jones, Jeremy M. Wilson, Andrew Rathmell, and K. Jack Riley, "Establishing Law And Order After Conflict", *Rand Infrastructure, Safety, and Environment* (Santa Monica, CA: Rand Corporation, 2005), 39.

[97] Ibid, 40.

[98] Ibid, 40.

Building Capacity

In building security capacity at the outset of the Kosovo campaign, the U.N. once again found it difficult to recruit, equip, organize, and deploy a CIVPOL force. On the recruiting front, in contrast to the Bosnia mission, the U.N. allowed contributing states to ignore individual standards for language proficiency, professional experience, weapons qualification, and driver competence. Instead, the U.N. accepted Specialized Police Units (SPUs) as a whole, limiting screening to the unit's leadership.[99] The SPUs were national units with their own structure, weapons, equipment, communications, and transportation. The U.N. did continue to send out the SPU training guidance to contributing states and assessment teams to ensure proficiency of the deploying units.

Although the SPUs provided improved capability, contributing states still received little advance warning to train SPUs on police functions. So, while the interim UNMIK force began to maintain public order starting in July 1999, the first SPUs did not deploy to Kosovo until April 2000; the last arrived in February 2002.[100] Logistics infrastructure in Kosovo for the SPUs developed slowly and this also hampered the deployment. The impact of the slow deployment of SPUs meant that the interim UNMIK force relied heavily on KFOR for law enforcement in three of the five Multinational Brigade (MNB) sectors. In fact, only in Pristina (MNB-Center, United Kingdom) and Prizren (MNB-South, Germany) did the UNMIK police lead the law enforcement effort.[101]

While the UNMIK force developed, the OSCE (sponsored by a U.S.-led and resourced program) opened the KPS School in September 1999. The KPS School opened with a U.S.

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[99] Perito, Where Is the Long Ranger When We Need Him?, 196.

[100] Perito, "U.S. Police in Peace and Stability Operations", 9.

[101] Assembly of the Western European Union, "International Policing in South-Eastern Europe", *Report of the Political Committee, Forty-Sixth Session*, (Paris, 2000) Document C/1721, para. 40.

director and 200 international police instructors from twenty OSCE states.[102] The planners envisioned a multi-ethnic, community-focused police organization that would eventually replace the UNMIK police.[103] By July 2002, the KPS School functioned as one of the higher-rated police training institutions in the region. The force makeup included 16% women and 15% minorities, with 8% of the minorities Kosovo Serbs.[104] By July 2002, the KPS officer population also outnumbered the UNMIK police (4,770 to 4,524).[105] As the planners envisioned, the KPS continues to develop as a well-trained, multi-ethnic force.

Lessons Learned

In light of the developments stated above and the growth of the KPS, several key lessons can be taken from the Kosovo case study. In contrast to Bosnia, the UNMIK and KPS were given authority to carry arms, conduct investigations, and make arrests, which enabled the police force to secure the population. While security was not established immediately, the UNMIK interim force coupled with KFOR's increased constabulary capability bought the KPS time to grow and establish itself as a public institution in post-conflict Kosovo. The development of the KPS displays similarity to the initial development of the HNP, as the interim force provided the newly formed police force time to grow. Meanwhile cultural considerations and the relationship between the people of Kosovo and their security institutions could be slowly repaired. In contrast to Haiti, the KPS continued to grow in effectiveness and gain legitimacy after its initial successes.

As with both Haiti and Bosnia, establishing the UNMIK and the KPS required time and resources. Like the IPTF, the UNMIK struggled with a lack of capacity in terms of numbers and logistics. The UNMIK also deployed slowly and consequently, there was a period between the

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[102] Perito, "U.S. Police in Peace and Stability Operations", 9.

[103] Perito, Where Is the Long Ranger When We Need Him?, 196.

[104] United Nations, Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo, para. 28.

[105] Ibid, para. 28.

time of KFORs deployment in the summer of 1999 and a point, in 2002, where enforcement was incomplete or absent. In 2002, UNMIK and the KPS gained enough strength to impact the national security situation in Kosovo. The enforcement gap slowed stabilization and reconstruction efforts in post-conflict Kosovo.

However, future challenges in Kosovo lie ahead for the UNMIK and KPS. The strides made in developing the KPS are threatened by Kosovo's history of interethnic conflict. The return of refugees from the surrounding region and the presence of displaced people throughout the nation will continue to place tension on this situation. This will present additional challenges for the KPS, including disputes over land. Corruption throughout the government will also continue to remain a focus of specialized KPS units.

Ultimately, the development of the KPS and its progress provide the world community a potential road map for establishing a host-nation police force in a post-conflict environment. Unlike both Haiti and Bosnia, this police force grew from the ground up. While the KPS developed, the interim UNMIK police force worked with a military force (KFOR) that had the means to maintain public order. The multi-ethnic police force that developed closely mirrored the demographics of the national population. Finally, the KPS fell under international control rather than international supervision.[106] These are all characteristics and factors to consider when determining general principles for establishing future host-nation police forces in a post-conflict environment.

[106] Caplan, International Governance of War Torn Territories, 59.

Principles for Developing Future Host-Nation Police Forces

Use of Existing Police Forces vs. Creating New Organizations

The case studies in Haiti, Bosnia, and Kosovo reveal that a primary recurring challenge for strategic planners is the decision whether to reform the existing police force or to create a new police force. In Haiti, the HNP developed with the looming shadow of the FAd'H in the background. The legacy of the FAd'H continues to plague the HNP today. Former elements of the FAd'H are still employed by the HNP and work in opposition to the HNP. In Bosnia, the three police forces operating in post-conflict Bosnia, Serb, Croat, and Muslim, received support and training from the IPTF. However, their presence and competing interests slowed police reform. Despite the passage of 13 years, the police forces are not yet integrated as evidenced by recent decisions to reform under the auspices of the EUPM.

There is no set answer for police reform. Planners will need to understand the cultural context in which these police forces operate, their relationship with the national government, and the relationship between the population and its security institutions. The best approach remains to employ all available assets to conduct an honest security assessment. Use that assessment to build a course of action that either reforms an existing police structure or creates a new organization. Make a recommendation that displays the advantages and disadvantages of each course of action and highlights the impact of either course of action on the post-conflict security situation. Choosing to disband the existing forces will create a larger security requirement during the initial phases of the campaign. However, it may prove in the long-term the better approach if a multi-ethnic, politically neutral force can be established. While there is no set way to deal with the problem, there are advantages and disadvantages to both approaches.

Based on the Kosovo experience, there are inherent advantages to starting over and building the police force from the ground on up. One advantage to this approach is that the new force can be built under international control instead of international supervision.[107] Additionally, starting over provides an opportunity to manage the demographic composition of the police force bringing it closer to resembling the population. Another advantage is that the new force will initially be less influenced by national political authorities. This will facilitate the growth, neutrality, and legitimacy of the newly created organization. The disadvantages to starting from scratch are harder to read. Tearing down an existing force may have larger repercussions for the national government over time, including economic and social consequences. Keeping the existing force in place provides a foundation to build upon. The existing force may provide both capability and experience that would take a newly formed force several years to acquire. However, the existing force may also be highly politicized and symbolize the tyranny of a deposed or harsh regime. If that were the case then maintaining an existing force would raise questions of legitimacy and loyalty.

Create Police Forces with Authority

The concept of authority is closely connected to the concept of legitimacy. The interim and developing host nation police force need sufficient authority to enforce the laws and provide security. Bosnia provided an example of a scenario in which international police monitors operated with little authority. At best, these monitors monitored and trained the police force. Lacking authority, these monitors could neither make arrests nor use force to intervene during violations of the post-conflict political agreement. In Kosovo, the international governing authority (U.N) provided the UNMIK interim force with that authority. In turn, the UNMIK

[107] Caplan, International Governance of War Torn Territories, 59.

police, with the support of KFOR, were able to reduce the time required to restore order and worked faster toward establishing public order in accordance with the negotiated political agreement. No matter the decision whether to employ an existing or newly formed force, an interim CIVPOL force will be involved. This force must possess authority to maintain public order. It must be able to make arrests, conduct investigations, and provide the military occupation force with an additional asset to close the enforcement gap.

Mitigate the Enforcement Gap

In his chapter on Public Order and Internal Security in *International Governance of War-Torn Territories*, Richard Caplan wrote about the enforcement gap that occurred in Bosnia between the IFOR and the IPTF.[108] IFOR's mandate to separate the warring factions did not include the responsibility to act as police. Additionally, IFOR lacked the force structure to act in a police-support role. This, coupled with the IPTF's slow deployment and struggle to build capacity in early 1996, created a security vacuum throughout Bosnia.

Based on the case studies of Haiti, Bosnia, and Kosovo, the first six months following the end of the hostilities set the conditions for establishing the post-conflict security situation. For both the military and the civilian police force, this is a brief window to establish a secure environment and lay the foundation for the host nation police force. In Haiti, the deployment of the U.S.-led MNF, working with the International Police Monitors brought initial success. This bought time for the training of the HNP. Although further developments ate away at the HNPs effectiveness over time, the initial efforts in Haiti helped stabilize the security situation. Similarly, in Kosovo, KFOR worked in concert with the UNMIK interim police force to establish security in a territory with no existing host nation police force. Conversely, in Bosnia, the IPTF took nearly a

[108] Caplan, International Governance of War Torn Territories, 48.

year to reach its target size. The sluggish deployment may have caused irreparable harm to Bosnia's security situation and post-conflict development.[109]

To avoid the enforcement gap problem, strategic planners will need to structure force packages that include both military and civilian units with the capability to deter conflict and maintain public order. The employment of rapidly deployable constabulary units is one option. Another option for strategic planners requires the early identification of post-termination security requirements and, subsequent determination of responsibility for their recruiting, training, and deployment. Understanding that recruitment for UN police operations cannot begin until an operation is authorized, strategic planners on both the military and civilian sides can engage each other early, build proposed force packages, and coordinate logistical support. With numerous political constraints facing planners, early parallel planning and logistical coordination will be the best possible course of action for facilitating force deployment and mitigating the enforcement gap.

Provide Logistics Support to UN CIVPOL and Host Nation Police Forces

Providing logistics support to the host nation police force, and the interim force as well, will help to establish in security in post-conflict situations. Logistics shortfalls within both the interim and host nation police forces hampered efforts and slowed police force growth in all the cases examined. Logistics support to the host nation (or interim) police force should be directed into the following areas: transportation, weapons, communications, medical, life support (includes housing facilities), training support (includes work facilities), and maintenance. Logistical support can be routed to the police forces. For example, financial support or material donations provided by the U.N., N.A.T.O., and other contributing states can be routed directly to the police force. Alternatively, logistical support to the police forces can be routed through the

[109] Caplan, International Governance of War Torn Territories, 55.

post-conflict military force (similar to the way IFOR provided assistance to the IPTF). These logistical arrangements and the required contingency planning can be accomplished early and in advance of conflict termination. Logistics shortfalls will remain a recurring challenge and ongoing theme for host-nation police force development; early planning, coordination, and mitigation are some methods for attacking the problem.

Conclusion

As stated earlier, throughout the coming years, the United States military will continue to bear the responsibility for establishing or reestablishing internal police forces during stability operations. The military will consistently lead security efforts until the national government and its police forces are restored. Based on evidence assembled from the three cases present here, the planner will face five primary tasks. The research shows that planners will consistently face these tasks: assessment of the security requirements of the post-conflict environment, determination of whether to reform the existing host nation police force or create a new police organization, definition of police authority, establishment of security, and construction of capacity within the police.

The data drawn from the case studies of Haiti, Bosnia, and Kosovo suggest four key principles that should be followed while planning the restoration of public order. First, understanding the security situation and assessing it correctly will shape the decision over whether to reform an existing police organization or create a new police force. There is no simple answer to this complex question. Employ all the assets possible to make an informed recommendation to the political leadership. Secondly, grant police forces sufficient authority. This crucial principle enables both the military and police forces, whether existing or interim, to maintain a secure environment. It will allow the political agreement time to take effect while allowing the reformed or newly formed police force time to establish its reputation as an evenhanded enforcer of the laws. Next, mitigate the enforcement gap. Work to create a force

structures that can deploy rapidly and maintain order in the first six months of the stability operation. Finally, provide logistics up front to the interim CIVPOL force, reforming police forces, or newly formed police forces. Planners must work to make these arrangements early and maintain a flow of responsive support. The logistical support must be a sustained, patient effort. If it is not, the national police forces will lack capability and quality.

While planners are not politicians, their analysis and recommendations are ultimately provided to the decision makers. The tasks and principles involved in forming a host nation police force provide assistance toward that political effort. Ultimately, the process of establishing an internal police force is political. It is in the sense that how the police perform their duties will be an important element in both support for the newly formed national government and the process for terminating military occupation in a post-conflict environment.

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